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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 STEVEN K. YOUNG,

11 Plaintiff,

12 v.

13 DITECH FINANCIAL, LLC, et al.,

14 Defendants.

CASE NO. C19-0867JLR

ORDER TO SHOW CAUSE

15 On September 3, 2019, the court ordered *pro se* Plaintiff Steven K. Young to show
16 cause for the second time why this case should not be dismissed for lack of subject matter
17 jurisdiction. (*See* 2d OSC (Dkt. # 23) at 1 (citing 1st OSC (Dkt. # 10).) Specifically, the
18 court ordered Mr. Young to file a written response that:

19 (a) asserts the citizenship of each member of Ditech [Financial LLC
20 ("Ditech")], and if any member of Ditech is itself a limited liability company,
21 each of that company's members, until each layer of limited liability
22 company membership is reduced to the individual members; and (b) asserts
specific facts from which the court can determine whether Mr. Young's
claim falls under 15 U.S.C. Section 1692e.

1 (*Id.* at 4.) The court cautioned Mr. Young that if he “fails to show cause once again, the
2 court will dismiss his complaint for lack of subject matter jurisdiction.” (*Id.* (citing Fed.
3 R. Civ. P. 12(h)(3); *Rosales v. United States*, 824 F.2d 799, 803 n.4 (9th Cir. 1987)).)

4 Mr. Young filed his response on September 16, 2019. (2d OSC Resp. (Dkt.
5 # 24).) In it, Mr. Young asserted the citizenship of “the following Board Members of
6 Ditech who are citizens of the State of Pennsylvania.” (*See id.* at 2.) Mr. Young appears
7 to confuse “director” with “member.” LLC members are those with an ownership
8 interest in the LLC, and are not necessarily directors. *See, e.g.*, RCW 25.15.116. Mr.
9 Young does not assert that the directors he lists are all Ditech members, and if so,
10 whether the list of directors is the complete list of Ditech members. Therefore, Mr.
11 Young has again failed to assert “the citizenship of each member of Ditech.” (*See* 2d
12 OSC at 4); *see also Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899
13 (9th Cir. 2006) (“We therefore join our sister circuits and hold that, like a partnership, an
14 LLC is a citizen of every state of which its **owners/members** are citizens.”) (emphasis
15 added).

16 Mr. Young also fails to assert “specific facts from which the court can determine
17 whether Mr. Young’s claim falls under 15 U.S.C. Section 1692e.” (*See generally id.*; *see*
18 *also* 2d OSC Resp. at 4.) Instead, Mr. Young requests that the court transfer “this
19 proceeding/case to the U.S. Bankruptcy Court, Western District of Washington.” (*See* 2d
20 OSC Resp. at 3.) The court does not reach Mr. Young’s request to transfer, because Mr.
21 Young has not satisfied the court that it has subject matter jurisdiction in the first

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1 instance.¹ *See Rosales*, 824 F.2d at 803 n.4 (holding that if a federal court determines
2 that it lacks subject matter jurisdiction at any time during a dispute, the court must
3 dismiss the action).

4 Mr. Young has had several opportunities to properly assert subject matter
5 jurisdiction. (*See* Compl. (Dkt. # 1); OSC Resp.; 2d OSC Resp.) Still, he has not
6 asserted sufficient facts for the court to conclude that it has either diversity jurisdiction
7 under 28 U.S.C. § 1332 or federal question jurisdiction under 28 U.S.C. § 1331.
8 Although Mr. Young cites a federal statute as the basis of his Fair Debt Collection
9 Practices Act (“FDCPA”) claim, he has not alleged facts sufficient for the court to
10 conclude that his claim arises under that statute.

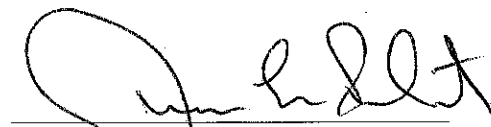
11 Notwithstanding Mr. Young’s repeated failures to properly assert subject matter
12 jurisdiction, he appears to make a good-faith effort by (mistakenly) asserting the
13 citizenships of Ditech’s directors. Considering Mr. Young’s *pro se* status, and his
14 apparently good-faith efforts, the court will afford Mr. Young one final opportunity to
15 properly assert the citizenships of each and every Ditech member, and to allege specific
16 facts establishing that his purported FDCPA claim arises under 15 U.S.C. § 1692e.

17 Accordingly, the court ORDERS Mr. Young to file a written response to this order
18 within 14 days that (1) asserts the citizenship of each and every Ditech member, and (2)
19 alleges specific facts establishing that his purported FDCPA claim arises under 15 U.S.C.

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22 ¹ Additionally, Mr. Young fails to explain how his claim under the Fair Debt Collection
Practices Act is a proceeding “arising under title 11 or arising in or related to a case under title
11.” *See* 28 USC § 157.

1 § 1692e. Mr. Young is instructed to limit his response to this order to the sole question of
2 jurisdiction, and refrain from making requests to transfer or seeking any further relief
3 from the court until the court has determined it has subject matter jurisdiction over this
4 case. If Mr. Young fails to establish subject matter jurisdiction after what will now be
5 Mr. Young's fourth opportunity, the court will dismiss his complaint for lack of subject
6 matter jurisdiction. If the court does so, it will dismiss the case without prejudice to Mr.
7 Young filing proper claims in a court with jurisdiction over them.

8 Dated this th8 day of November, 2019.

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10 JAMES L. ROBART
11 United States District Judge
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